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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,333	12/09/2005	Hiroshi Nakazato	88522.0038	4622
26021 7590 05/28/2008 HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067			EXAMINER WONG, JOSEPH S	
			ART UNIT 2852	PAPER NUMBER
			MAIL DATE 05/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,333	Applicant(s) NAKAZATO ET AL.	
	Examiner JOSEPH S. WONG	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
4a) Of the above claim(s) 1-8 and 16-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/9/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Claims 1-8 and 16-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/21/08.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "IMAGE FORMING APPARATUS AND METHOD INCLUDING CANCELLING A POWER SAVE MODE".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isobe et al. (US 6295429) in view of Matsuura (US 4745436).

With respect to claims 9 and 15, Isobe et al. disclose an image forming apparatus and control method for an image forming apparatus comprising and/or including: a process unit capable of being removably mounted in an apparatus body (as

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shown at least in figs. 1 and/or 8, items 20 Y, C, and/or M); a switching unit for switching the apparatus between a state to permit the mounting/dismounting of the process unit and a state to inhibit the mounting/dismounting of the process unit (as discussed at least in col. 9, lines 45-65); a cover member which is free to be shifted between an open position and a close position with respect to the apparatus body and which, in the close position, serves to restrict an operation of mounting/dismounting the process unit by a user (as shown at least in fig. 2, items 39 and/or 43); and a controller capable of executing a power save mode by deactivating some parts, inclusive of the switching unit, of the apparatus, the power save mode in which the apparatus consumes less power than that consumed during an image forming operation (as discussed at least in col. 11, lines 45-50 by the "sleep mode" and/or "standby mode")

With respect to claims 9 and 15, Isobe et al. do not disclose wherein when the cover member is opened during the execution of the power save mode, the controller cancels the power save mode to shift the apparatus to a state to permit an operation of the switching unit.

With respect to claims 9 and 15, Matsuura teaches wherein when the cover member is opened during the execution of the power save mode, the controller cancels the power save mode to shift the apparatus to a state to permit an operation of the switching unit (as discussed at least in col. 3, line 59 – col. 4, line 10).

With further respect to claim 10, Isobe et al. further disclose a command input unit for accepting a process-unit mounting/dismounting command from the user,

wherein when the command input unit accepts the mounting/dismounting command input, the controller operates the switching unit to shift the apparatus to the state to permit the mounting/dismounting of the process unit (figs. 2 and/or 3, item 47; col. 9, lines 45-50).

With further respect to claim 11 Isobe et al. further disclose wherein the command input unit is designed not to accept the command inputted by the user while the cover member is in the close position (as shown at least in figs. 2 and 3 where item 47 cannot accept inputs from a user when the cover 39 is closed).

With respect to claim 12, Isobe et al. further disclose a power source for supplying power to the switching unit, wherein the controller deactivates the power source in the power save mode (as discussed at least in col. 11, lines 40-50 and/or col. 16, line 40 – col. 17, line 20).

With respect to claim 13, Isobe et al. further disclose a development rotary (fig. 1, item 20) capable of being mounted with a developer as the process unit (fig. 1, items 20Y,M,C) and driven into rotation by a driver, wherein the driver functions as the switching unit by selectively positioning the development rotary at a predetermined mounting/dismounting position defined in correspondence to the developer for permitting the mounting/dismounting of the developer, or at any other position (as discussed at least in col. 9, lines 45-65).

With respect to claim 14, Isobe et al. further disclose wherein the controller starts the power save mode when a predetermined length of time has passed in a state where

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the apparatus is applied with no operation request from an external apparatus connected with the apparatus or from the user (as discussed at least in col. 11, lines 40-50 and/or col. 16, line 40 – col. 17, line 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to let the power save mode of Isobe et al. (US 6295429) be cancelled by opening a cover member as taught by Matsuura et al. (US 4745436) for at least the purpose of saving the user time (as discussed by Matsuura et al. at least in col. 2, lines 6-65).

Remarks

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Wong whose telephone number is (571)272-8457. The examiner can normally be reached on Monday - Friday 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Gray/
Supervisory Patent Examiner, Art Unit 2852

Joseph Wong
Patent Examiner
Art Unit 2852
5/19/08